

Montie S. Day, Attorney (Cal Bar No. 73327)  
Laura R. Spease, Attorney (Cal Bar No. 78273)  
LAW OFFICES OF LAURA R. SPEASE  
7700 Edgewater Drive, Suite 147  
Oakland, California 94621  
Spease-Tel: (510) 569-8558  
Day-Tel: (208) 280-3766

Montie S. Day, Attorney (Cal Bar No. 73327)  
DAY LAW OFFICES  
P. O. Box 1045  
Shoshone, Idaho 83352  
Tel: (208) 280-3766

Attorneys for Estela D. Reed

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PRINCIPAL LIFE INSURANCE  
COMPANY,

Plaintiff,

vs.

VINA CUESTA STATUA, INOCENCIO  
S. AMBE, CORAZON AMBE  
CABALES, ESTELA D. REED, and  
DOES 1-10,

Defendants.

ESTELA D. REED,

Cross-claimant,

v.

VINA CUESTA STATUA, INOCENCIO  
S. AMBE, and CORAZON AMBE  
CABALES,

Cross-defendants.

Case No. C-07-4915 CW

NOTICE OF MOTION AND  
MOTION FOR COURT ORDER  
DISCHARGING PRINCIPAL  
LIFE INSURANCE COMPANY  
FROM ANY LIABILITY WITH  
RESPECT TO THE INSURANCE  
POLICY AND FUNDS DEPOSITED  
WITH THIS COURT, AND FOR  
ORDER FOR PAYMENT OF  
ATTORNEY FEES AND COSTS TO  
PRINCIPAL LIFE INSURANCE  
COMPANY IN THE AMOUNT OF  
\$2,500.00 FROM INTERPLED  
FUNDS

Date: February 14, 2008  
Time: 2:00 p.m.  
Judge Claudia Wilken

1  
2 TO THE PARTIES AND THEIR ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on February 14, 2008 at 2:00 p.m., or as soon  
4 thereafter as the matter may be heard before the Honorable Claudia Wilken, in Courtroom  
5 2, United States District Court at Oakland, California, defendant and cross-claimant Estela  
6 D. Reed, with the consent of Principal Life Insurance Company and Vina Cuesta Statua, will  
7 move this Court for an ORDER that the plaintiff Principal Life Insurance Company be  
8 relieved and discharged from this case and from further liability or responsibility arising out  
9 of the rights and obligations to any party to this action with respect to the life insurance  
10 policy issued to Natividad A. Cuesta (deceased), Policy Number 4346789 issued December  
11 17, 1993, and to the \$57,433.54 insurance proceeds deposited with the Court in the instant  
12 action, and that the rights and obligations of the named defendants shall thereupon be  
13 determined by this action.

14 This motion is made on the grounds that:

15 (1) The interpleader plaintiff Principal Life Insurance Company, having issued the life  
16 insurance policy to Natividad A. Cuesta, (deceased) and having been presented conflicting  
17 claims, did deposit with this Court \$57,433.54 and filed the instant complaint for  
18 interpleader;

19 (2) The complaint has been and is being served upon the defendants and the  
20 defendants have either answered, have the right to answer, or should be defaulted by failing  
21 to file an answer;

22 (3) The plaintiff is entitled to a discharge from this action and relief from any  
23 liability to the defendants, with the Court reserving jurisdiction to a determination of the  
24 entitlement of the named defendants to the remaining funds after the payment of the attorney  
25 fees to Principal Life Insurance Company in the agreed amount of \$2,500.00 (supra.);

26 (4) The Court should award Principal Life Insurance Company the attorney fees and  
27 costs to be paid from the interpled funds in the amount of \$2,500.00, pursuant to the  
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1 agreement among Principal Life Insurance Company, defendant Vina Cuesta Statua and  
2 defendant Estela D. Reed.

3 This motion is supported by this notice of motion, the supporting memorandum, the  
4 declaration of Montie S. Day, the proposed order, and upon such further evidence as may be  
5 submitted at the hearing on the motion.

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7  
8 Date: December 26, 2007

Day Law Offices

9 /s/ Montie S. Day

10 By: \_\_\_\_\_  
Montie S. Day, Attorney

CERTIFICATE OF SERVICE

I, Montie S. Day, state that the following described documents were served on the below listed parties and/or attorney in the manner set forth below:

Documents Served:

NOTICE OF MOTION AND MOTION FOR COURT ORDER DISCHARGING PRINCIPAL LIFE INSURANCE COMPANY FROM ANY LIABILITY TO THE INSURANCE POLICY AND FUNDS DEPOSITED WITH THIS COURT, AND FOR ORDER FOR PAYMENT OF ATTORNEY FEES AND COSTS TO PRINCIPAL LIFE INSURANCE COMPANY IN THE AMOUNT OF \$2,500.00 FROM INTERPLED FUNDS

MEMORANDUM IN SUPPORT OF MOTION FOR COURT ORDER DISCHARGING PRINCIPAL LIFE INSURANCE COMPANY FROM ANY LIABILITY TO THE INSURANCE POLICY AND FUNDS DEPOSITED WITH THIS COURT, AND FOR ORDER FOR PAYMENT OF ATTORNEY FEES AND COSTS TO PRINCIPAL LIFE INSURANCE COMPANY IN THE AMOUNT OF \$2,500.00 FROM INTERPLED FUNDS

REQUEST FOR JUDICIAL NOTICE RE: COURT ORDER DISCHARGING PRINCIPAL LIFE INSURANCE COMPANY FROM ANY LIABILITY TO THE INSURANCE POLICY AND FUNDS DEPOSITED WITH THIS COURT, AND FOR ORDER FOR PAYMENT OF ATTORNEY FEES AND COSTS TO PRINCIPAL LIFE INSURANCE COMPANY IN THE AMOUNT OF \$2,500.00 FROM INTERPLED FUNDS

DECLARATION OF MONTIE S. DAY IN SUPPORT OF MOTION FOR COURT ORDER DISCHARGING PRINCIPAL LIFE INSURANCE COMPANY FROM ANY LIABILITY TO THE INSURANCE POLICY AND FUNDS DEPOSITED WITH THIS COURT, AND FOR ORDER FOR PAYMENT OF ATTORNEY FEES AND COSTS TO PRINCIPAL LIFE INSURANCE COMPANY IN THE AMOUNT OF \$2,500.00 FROM INTERPLED FUNDS

(Proposed) ORDER DISCHARGING PRINCIPAL LIFE INSURANCE COMPANY FROM ANY LIABILITY WITH RESPECT TO THE INSURANCE POLICY AND FUNDS DEPOSITED WITH THIS COURT, AND FOR THE PAYMENT OF ATTORNEY FEES AND COSTS TO PRINCIPAL LIFE INSURANCE COMPANY IN THE AMOUNT OF \$2,500.00 FROM INTERPLED FUNDS

by serving electronically the following automatically upon filing by ECF procedures

**Michael K. Brisbin**

michael.brisbin@wilsonelser.com, joya.yeung@wilsonelser.com

**Adrienne Clare Publicover**

Adrienne.Publicover@WilsonElser.com, Nancy.Li@WilsonElser.com, Charan.Higbee@WilsonElser.com

**Montie S. Day**

Oyad@aol.com

**Daniel J. DeVries**

DJDV@DeVriesLawGroup.com, jma@devrieslawgroup.com, cbj@devrieslawgroup.com

1 and by, on December 27, 2007, serving the following parties who may have an interest in the  
2 pending motion by mailing such notice addressed as follows (if not served electronically as  
above):

3 Corazon Ambe Cabales  
4 14323 Merced Street  
5 San Leandro, CA 94579  
6 Defendant

7 Mr. Inocencio S. Ambe  
8 907 Paroba Street  
9 Santa Maria, Sta. Ana  
10 2022 Pampanga, Philippines  
Defendant

11 I declare under the penalties of perjury that the foregoing is true and correct, and that I have  
12 executed this certificate on December 27, 2007 at Williams, California 95987

13 /s/ Montie S. Day  
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16 Montie S. Day, Attorney  
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